

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

MARIA DE LOS A. RIVERA SERRANO

DEBTOR(S)

CASE NUMBER: 10-09122 (ESL)

CHAPTER 13 ASSET CASE)

DEBTOR'S MOTION UNDER SECTION 1329 OF THE BANKRUPTCY CODE

THE HONORABLE COURT:

COMES NOW, Debtor (s) through the undersigned attorney and respectfully ALLEGES and PRAYS:

1. That debtor (s) filed and circulated a MODIFIED PLAN to all parties in interest.

2. That the modification is based in that the Debtor (s) wants to amend their plan in order to:

a. In order to cover insufficient base with Chapter 13 plan, it became insufficient to pay the priorities after confirmation and provide for priority creditor Department of Treasury.

3. Debtor (s) amend plan call twelve (12) payment of \$575.00 and forty eight (48) payments of \$825.00 for a total base of \$46,500.00 dollars with a provision for the arrears payments to Asoc. De Condomines, account ending number-05-B and for the arrears payments of RG Mortgage, account ending number-9308.

WHEREFORE, Debtor (s) respectfully request from this Honorable Court to accept this motion and grant debtor (s) the opportunity to modify the confirmed plan according to 11 US 1329 and provide any other remedy it may deem appropriate.

NOTICE

"Parties in interest are notified the have twenty one (21) days to reject a proposed modification of a plan and request a hearing. If no opposition is filed within the prescribed period of time, the Court will enter and order granting the motion upon the filing of a certificated of service by the movant that adequate notice was given. Should and apposition be timely filed. The Court will schedule the motion for a hearing as a contested matter. Absent good cause, untimely rejections shall be denied".

In San Juan, Puerto Rico, this 16th, day of August 2011.

RESPECTFULLY SUBMITTED.

/s/ Marilyn Valdes Ortega
MARILYN VALDES ORTEGA
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United States Bankruptcy Court
District of Puerto Rico

IN RE:

Case No. 10-09122-ESL

RIVERA SERRANO, MARIA DE LOS ANGELES

Chapter 13

Debtor(s)

CHAPTER 13 PAYMENT PLAN

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☐ directly ☒ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED: _____		<input checked="" type="checkbox"/> AMENDED PLAN DATED: <u>8/10/2011</u>	
<input type="checkbox"/> PRE <input type="checkbox"/> POST-CONFIRMATION		Filed by: <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> Trustee <input type="checkbox"/> Other	
I. PAYMENT PLAN SCHEDULE		II. DISBURSEMENT SCHEDULE	
$\$ \quad 575.00 \times 12 = \$ \quad 6,900.00$		A. ADEQUATE PROTECTION PAYMENTS OR _____ \$ _____	
$\$ \quad 825.00 \times 48 = \$ \quad 39,600.00$		B. SECURED CLAIMS:	
$\$ \quad \quad \times \quad = \$ \quad \quad$		<input type="checkbox"/> Debtor represents no secured claims.	
$\$ \quad \quad \times \quad = \$ \quad \quad$		<input checked="" type="checkbox"/> Creditors having secured claims will retain their liens and shall be paid as follows:	
$\$ \quad \quad \times \quad = \$ \quad \quad$		1. <input checked="" type="checkbox"/> Trustee pays secured ARREARS:	
TOTAL: \$ <u>46,500.00</u>		Cr. <u>ASOC. COND. COND</u> Cr. <u>R-G MORTGAGE</u> Cr. _____	
Additional Payments:		# <u>7-05B</u> # <u>9308</u> # _____	
\$ _____ to be paid as a LUMP SUM		\$ <u>9,168.65</u> \$ <u>12,197.44</u> \$ _____	
within _____ with proceeds to come from:		2. <input type="checkbox"/> Trustee pays IN FULL Secured Claims:	
<input type="checkbox"/> Sale of Property identified as follows:		Cr. _____ Cr. _____ Cr. _____	
_____		# _____ # _____ # _____	
<input type="checkbox"/> Other:		\$ _____ \$ _____ \$ _____	
_____		3. <input type="checkbox"/> Trustee pays VALUE OF COLLATERAL:	
Periodic Payments to be made other than, and in addition to the above:		Cr. _____ Cr. _____ Cr. _____	
\$ _____ x _____ = \$ _____		# _____ # _____ # _____	
PROPOSED BASE: \$ <u>46,500.00</u>		\$ _____ \$ _____ \$ _____	
III. ATTORNEY'S FEES		4. <input type="checkbox"/> Debtor SURRENDERS COLLATERAL to Lien Holder:	
(Treated as § 507 Priorities)		5. <input type="checkbox"/> Other:	
Outstanding balance as per Rule 2016(b) Fee Disclosure Statement: \$ <u>2,574.00</u>		6. <input checked="" type="checkbox"/> Debtor otherwise maintains regular payments directly to:	
Additional Fees <u>350.00</u>		<u>R-G MORTGAGE</u>	
Balance \$ <u>29,24.00</u>		C. PRIORITIES: The Trustee shall pay priorities in accordance with the law.	
Signed: _____		11 U.S.C. § 507 and § 1322(a)(2)	
Debtor		D. UNSECURED CLAIMS: Plan <input type="checkbox"/> Classifies <input checked="" type="checkbox"/> Does not Classify Claims.	
Joint Debtor _____		1. (a) Class A: <input type="checkbox"/> Co-debtor Claims / <input type="checkbox"/> Other: _____	
		<input type="checkbox"/> Paid 100% / <input type="checkbox"/> Other: _____	
		Cr. _____ Cr. _____ Cr. _____	
		# _____ # _____ # _____	
		\$ _____ \$ _____ \$ _____	
		2. Unsecured Claims otherwise receive PRO-RATA disbursements.	
		OTHER PROVISIONS: (Executory contracts; payment of interest to unsecureds, etc.)	
		See Continuation Sheet	

Attorney for Debtor Marilyn Valdes Ortega Law Offices

Phone: (787) 758-4400

Debtor(s)

CHAPTER 13 PAYMENT PLAN

Continuation Sheet - Page 1 of 1

TRUSTEE TO PAY ATTORNEY'S FEES BEFORE ANY SECURED OR PRIORITY CREDITOR 11 USC 330.

EQUAL MONTHLY PAYMENT TO ASOC. DE CONDOMINES CONDOMINIO BRISAS DE MONTEFLORES AFTER CONFIRMATION \$317.00 MONTHLY TO BE PAID BY THE TRUSTEE, MONTHS (7-50)

EQUAL MONTHLY PAYMENT TO RG MORTGAGE AFTER CONFIRMATION OF \$200.00 MONTHS (7-50)

TAX REFUNDS, IF ANY ARE RECEIVED BY DEBTOR, WILL BE TENDERED TO THE TRUSTEE AS A PERIODIC PAYMENT TO FUND THE PLAN UNTIL PLAN COMPLETION IN ADDITION TO PAYMENTS PROVIDED HEREIN. IF DEBTOR(S) NEED TO USE ANY PART OF THESE FUNDS, PROPER AUTHORIZATION WILL BE SOUGHT THE COURT FOR SUCH PURPOSE.

FAILURE TO TIMELY OBJECT TO THIS PLAN CONSTITUTES A WAIVER OF THE EQUAL MONTHLY AMOUNT METHOD OF PAYMENT UNDER 11 USC 1325(a)(5).

I HEREBY CERTIFY: That I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

10-09122-ESL13 Notice will be electronically mailed to:

JOSE RAMON CARRION MORALES
newecfmail@ch13-pr.com

MONSITA LECAROS ARRIBAS
ustpreion21.hr.ecf@usdoj.gov

MARILYN VALDES ORTEGA on behalf of Debtor CARLOS A. ORTIZ ORTIZ
valdeslaw@prtc.net

I HEREBY CERTIFY: That I have mailed by regular mail to all creditors listed.

10-09122-ESL13 Notice will not be electronically mailed to:

ASOC. COND. COND. BRISAS DE M.
FLORES
C/O PREFERRED HOME SERVICES,
INC.
PO BOX 4069
BAYAMON, PR 00958-1069

COOP A/C DE GUAYNABO
CARRAZO # 66 BOX-1299
GUAYNABO, PR 00970

DEPARTAMENTO DE HACIENDA
PO BOX 9024140
OFICINA 424 B
SAN JUAN, PR 00902

DEPARTAMENTO DEL TRABAJO
AVE. MUÑOZ RIVERA 505
HATO REY, PR 00918

FEDERAL LITIGATION DEPT OF
JUSTICE
PO BOX 9020192
SAN JUAN, PR 00902-0192

FIRST PREMIER BANK
PO BOX 5519
SIOUX FALLS, SD 57117-5519

INTERNAL REVENUE SERVICE
PO BOX 21126
PHILADELPHIA, PA 19114-0326

PR TELEPHONE CO
PO BOX 70239
SAN JUAN, PR 00936

R-G MORTGAGE
P.O. BOX 362394
SAN JUAN, PR 00936-2394